

**FACSIMILE TRANSMITTAL LETTER**

PAGE 1 OF 6

**FIRST REQUEST**

DATE: August 22, 2005  
TO: Initial Patent Examination's Filing Receipt Corrections  
RE: Applicants: Kaoru Kumagai et al.  
Serial No. 10/501,386  
Filing Date: July 14, 2004  
Our Ref: 463P119

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FAX NO: (703) 746-9195

FROM: Kevin S. Lemack  
Registration No. 32,579  
Nields & Lemack  
176 E. Main Street  
Westboro, MA 01581  
TEL: (508) 898-1818  
FAX: (508) 898-2020

**MESSAGE:**

Applicants respectfully ask to be advised as to the present status of the corrected filing receipt in the above application.

A request for correction of the filing receipt was faxed on May 20, 2005 (copy enclosed).

**No corrected filing receipt has yet been received!**

**CERTIFICATE OF FACSIMILE TRANSMISSION**

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Kevin S. Lemack

August 22, 2005  
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05/20/2005 14:44	5088982020	NLDLAW	PAGE 01
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**FACSIMILE TRANSMITTAL LETTER**

PAGE 1 OF 4

DATE: May 20, 2005

TO: Initial Patent Examination's Filing Receipt Corrections

RE: Inventors: Kauru Kittingui et al.  
Serial No. 10/501,386  
Filing Date: July 14, 2004  
Our Ref: 463P119

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MESSAGE:

Pursuant to the mandate of the filing receipt sent by the Patent and Trademark Office in the above case, a verification of the accuracy of the data presented thereon has revealed the following error(s):

The filing receipt incorrectly listed the title. Please correct the following:

"Measurement device"


Should read

"Surveying Instrument"

Please make the appropriate corrections. A photocopy of the filing receipt with correction marked, a copy of the executed Declaration is enclosed herewith.

**CERTIFICATE OF FACSIMILE TRANSMISSION**

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Kevin S. Lemack

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PAGE 1H \* RCV'D AT 5/20/2005 3:52:37 PM [Eastern Daylight Time] \* SVR:USPTO-EF-XRF-5/25 \* DNS:7469199 \* CSID:5088982020 \* DURATION (mm:ss):02-06

**FACSIMILE TRANSMITTAL LETTER**

PAGE 1 OF 4

DATE: May 20, 2005

TO: Initial Patent Examination's Filing Receipt Corrections

RE: Inventors: Kaoru Kumagai et al.  
Serial No. 10/501,386  
Filing Date: July 14, 2004  
Our Ref: 463P119

FAX NO: (703) 746-9195

FROM: Kevin S. Lemack  
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\_\_\_\_\_  
Kevin S. Lemack

\_\_\_\_\_  
May 20, 2005  
Date



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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/501,386	07/14/2004	2859	1210	463P119	6	8	2

CONFIRMATION NO. 3110

42754  
NIELDS & LEMACK  
176 EAST MAIN STREET, SUITE 7  
WESTBORO, MA 01581

FILING RECEIPT



\*OC000000015988911\*

Date Mailed: 05/11/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Kaoru Kumagai, Tokyo-to, JAPAN;  
Fumio Ohtomo, Tokyo-to, JAPAN;

Power of Attorney: The patent practitioners associated with Customer Number 42754.

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/JP03/11193 09/02/2003

Foreign Applications

JAPAN 2002-258108 09/03/2002

Projected Publication Date: 08/18/2005

Non-Publication Request: No

Early Publication Request: No

Title

Surveying Instrument  
Measurement device

PTO/SB/01 (03-01)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION</b>		Attorney Docket No.	<b>463P119</b>
		First Named Inventor	<b>Kaoru Kumagai</b>
<input checked="" type="checkbox"/> Declaration Submitted with Initial <input type="checkbox"/> Declaration Submitted after Initial Filing (surcharge) (37 CFR 1.18(e) Required)		COMPLETE IF KNOWN	
		Application Number	
		Filing Date	
		Group Art Unit	
		Examiner Name	

As a below named inventor, I hereby declare that:  
 My residence, mailing address, and citizenship are as stated below next to my name.  
 I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**SURVEYING INSTRUMENT**

(Title of the invention)

the specification of which

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY) **September 2, 2003** as United States Application Number or PCT International

Application Number **PCT/JP03/011193** and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 385(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 355(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
2002-258108	Japan	09/03/2002	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:					
I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:					
Application Number(s)	Filing Date (MM/DD/YYYY)		<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.		

[Page 1 of 2]

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Approved for use through 10/31/2002: OMB 0651-0032  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

## DECLARATION - Utility or Design Patent Application

Direct all correspondence to:

☒ Customer Number

42754

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR:

☐ A petition has been filed for this unsigned inventor

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(first and middle (if any)) Kaoru

Family Name

or Surname Kumagai

Inventor's

Signature

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Family Name

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Inventor's

Signature

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☐ Additional inventors are being named on the \_ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.